

IN THE UNITED STATES BANKRUPTCY COURT
Northern District of Texas

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| In the Matter of: | } | |
| | } | Case No. 10-70316-13 |
| FRANK MASTEN HIGGINBOTHAM AND | } | Chapter 13 |
| DEBRA JAYNE HIGGINBOTHAM | } | |
| Debtors | } | |

DEBTOR'S OBJECTION TO CLAIM #23 OF
HSBC BANK NEVEDA

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Debtor in the above-entitled and cause, and file this Objection to Claim of HSBC Bank Nevada, N.A. ("HSBC"), Claim #23 and respectfully shows the Court as follows:

1. This Claim alleges to be a secured claim against Debtors. Debtors have requested documentation which outlines the security interest in the goods in question, but HSBC has not provided.
2. Debtors further object to the Claim in question based on the failure of the Claimant to satisfy Rule 3001(c) by failing to file a copy of the security interest to the Claim is based on.
3. In the alternative, Debtors object to the Claim on the grounds that the Claim is not itemized and therefore may include charges forbidden by applicable law.
4. Debtors demand that the Creditor above named produce at the hearing on the objection, all records, books, all writing evidencing said indebtedness, and copies of all receipts given to the Debtors.
5. Debtors object to the secured portion of the Claim in that HSBC fails to provide documentation or evidence of either the description or value of the alleged collateral.

For the above reasons, Debtors object to the Claim #23 of HSBC and would request the Court disallow such Claim in its entirety, or alternatively, allow it as an unsecured claim.

NOTICE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IF FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT BEFORE CLOSE OF BUSINESS TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE

ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Respectfully submitted,

By: /s/ Gregory A. Ross

Gregory A. Ross

State Bar No. 17302500

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Certificate of Service

I hereby certify on January 6, 2011, a true and correct copy of the above was duly served on all parties of interest:

Bass & Associates, P.C.

3936 E. Ft. Lowell Road, Ste. 035;200

Tucson, AZ 85712

/s/ Gregory A. Ross

Gregory A. Ross